

Magistrate Judge Karen L. Strombom

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

WILLIAM DALTON,

Plaintiff,

v.

STATE OF WASHINGTON,  
DEPARTMENT OF CORRECTIONS;  
JOSEPH LEHMAN and "JANE DOE"  
LEHMAN, husband and wife, and the  
marital community composed thereof;  
JANE ROBINSON and "JOHN DOE"  
ROBINSON, wife and husband, and the  
marital community composed thereof;  
ALICE PAYNE and "JOHN DOE"  
PAYNE, wife and husband, and the  
marital community composed thereof,

Defendants.

NO. C04-5057 KLS

**STIPULATION AND ORDER TO  
STAY CASE AND TRIAL  
SCHEDULE**

The parties in this matter, Rob McKenna, Attorney General, Lisa Sutton and Marie C. Clarke, Assistant Attorneys General for the Defendants State of Washington, Department of Corrections, and Richard H. Wooster, attorney for Plaintiff William Dalton, have agreed to stay this case and the trial schedule until the U.S. Supreme Court reaches a decision in the case of Garcetti et al. v. Ceballos, No. 04-473.

1 The issue to be decided in Garcetti et al. v. Cebellas is:

2 Should a public employee's purely job-related speech, expressed  
3 strictly pursuant to the duties of employment, be blanketed with First  
4 Amendment protection simply because it touches on a matter of public  
5 concern, or should First Amendment protection also require the speech to  
6 be engaged in "as a citizen", in accordance with this Court's holdings in  
7 *Pickering v. Board of Education*, 391 U.S. 563 (1968) and *Connick v.*  
8 *Myers*, 461 U.S. 138 (1983)?

9 Since Plaintiff Dalton filed his case on February 11, 2004, the U. S. Supreme Court  
10 accepted review on October 7, 2004, and heard arguments on October 12, 2005, in the Garcetti  
11 appeal.

12 Plaintiff William Dalton, a former nurse who worked at the State Department of  
13 Corrections' McNeil Island Corrections Center, filed suit alleging in part a violation of 42  
14 U.S.C. §1983 in retaliation for reports he made to the government related to health and safety  
15 issues in the infirmary at McNeil. One issue in Dalton appears to be identical to that to be  
16 decided by the United States Supreme Court in Garcetti et al. v. Cebellas. The parties agree  
17 that it is in the interests of the parties and judicial economy to stay the present case until the  
18 Supreme Court's decision is rendered. Resolution of the Supreme Court case may facilitate  
19 resolution of a central issue in this case.

20 /s/ Lisa L. Sutton

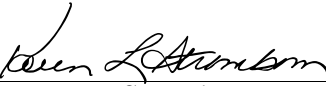
21 LISA L. SUTTON, WSBA NO. 16005  
22 Senior Counsel  
23 MARIE C. CLARKE, WSBA NO. 36146  
24 Assistant Attorney General  
25 Attorneys for Defendants

26 /s/ Richard H. Wooster

RICHARD H. WOOSTER, WSBA NO. 13752  
Mann, Johnson, Wooster & McLaughlin, P.S.  
Attorney for Plaintiff William Dalton

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2 Based on the above stipulation of the parties, it is hereby  
3 ORDERED that the trial date presently scheduled in this matter is stricken and the case will be  
4 stayed pending the decision by the U. S. Supreme Court. The parties are directed to contact  
5 this court once the Supreme Court's decision is made so a new trial date and schedule can be  
6 ordered.  
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8 DATED this 1<sup>st</sup> day of November, 2005.

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10 Karen L. Strombom  
11 United States Magistrate Judge  
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